REMARKS

Claims 1 to 3, 5 to 8, 10 to 15, and 17 were pending in the application at the time of examination. Claims 1 to 3, 5 to 8, 10 to 15, and 17 stand rejected as obvious.

Claims 1 to 3, 5 to 8, 10 to 15, and 17 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,903,890 to Shoji et al. (hereinafter, Shoji) in view of U.S. Patent No. 6,233,584 to Purcell (hereinafter, Purcell). Applicant respectfully traverses the obviousness rejection.

Applicant respectfully notes that the database system of Shoji is fundamentally different from the database system of Purcell. For a combination of references, the MPEP requires that the proposed modification cannot change the principle of operation of a reference and that the primary reference still work for its intended purpose.

> If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.

MPEP 2143.01 V., 8th Ed., Rev. 6, p. 2100-140 (Sept. 2007).

> If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious

MPEP 2143.01 VI., 8th Ed., Rev. 6, p. 2100-141 (Sept. 2007).

Shoji taught:

> Database system 700 contains a plurality of single-association databases, such as databases 704-706. One way to picture a single-association database is a table having many rows and two columns. The two columns in each row associate one set of data with another set of data.

Shoji, Col. 4, lines 19 to 24.

In a conventional database system, a single driver (i.e., search routine) is associated with all the complex databases in the system. Thus, if a database system contains ten separate databases, the same driver would be used to perform search on the ten databases. Because the driver needs to handle all the requirements of a large number of complex databases, the size of the driver becomes very large. This is different from the database system of the present invention in which each driver is specially designed to operate on its associated database.

Shoji, Col. 4, lines 54 to 63.

The present invention is different from prior art database systems which contain a small number of multi-association databases and a search routine. Typically, the structures of the prior art databases are very complex because each database is designed to contain as much information as possible. As a result, the search routine is also very complex because it has to understand the complicated structure of the underlying database. Consequently, the databases and search routine are very difficult to use and maintain.

Shoji, Col. 5, line 63 to Col. 6, line 4.

The database system of the present invention contains single-association databases and related drivers

Shoji, Col. 6, lines 49, 50.

Thus, Shoji goes to some length to differentiate the single-association database of his invention from prior art databases and explains why such prior art databases will not work in his invention.

Purcell is concerned with the prior art complex databases described in Shoji. For example,

Examples of database software include DB2 from the International Business Machines Corporation (IBM), Oracle7 from Oracle Corporation and Informix-Universal Server from Informix Software, Inc. (DB2 is a registered trademark of IBM, Oracle and Oracle7 are trademarks of the Oracle Corporation, and Informix is a trademark of Informix Software, Inc.). Quite often, when a user of a software application needs data, the user's application will contact or query a database to find and retrieve the desired information for use in the application.

Purcell, Col. 1, lines 23 to 33.

Purcell further characterizes the databases as being on servers and not all from the same manufacturer, e.g., databases like these he described earlier, as quoted above. Purcell, when taken as a whole, is concerned with a modification to such systems. Purcell taught that the system uses standard SQL queries that are associated with such database systems.

Thus, modifying Shoji using Purcell means that the teaching of Shoji on the undesirability of the databases used by Purcell must be ignored and the principles of operation of Shoji changed. Further, there has been no showing that after the modification that Shoji would still work. In fact since Shoji repeatedly stated that complexity associated with complex databases systems was undesirable, it is clear that his system would not work properly with such systems. Thus, based on the express requirements of the MPEP and the teaching in the two references, taken as a whole, the combination of references is not well founded. Considering the basic differences of the two systems, the showings required by the MPEP must be made in the rejection.

In addition to these facts, even if the combination were proper, Claim 1 distinguishes over the combination. Therefore, assuming arguendo that the combination is correct, the combination teaches away from Applicant's invention as recited in Claim 1. Claim 1 recites in part:

> accessing an associated database in said plurality of databases by said each driver in response to said merging driver access through said API, . . . ;
> receiving a result offer from each of said plurality of databases having data available that is responsive to said single access operation; and
> obtaining, by said merging driver automatically without user action, an ordered result in response to said single access operation wherein said obtaining further comprises retrieving results, by said merging driver, corresponding to said result offers from said plurality of databases in an order to obtain said ordered result.

Thus, there is an access, a result offer is received, and then the merging driver retrieves results based on the result offers. Moreover, the claim expressly states that the results are retrieved in a particular way, "in an order to obtain said ordered result" by the merging driver that received the single access operation.

The rejection stated:

> said single access operation is performed for each of said plurality of databases search for stored data related to said single access operation in each of said plurality databases [sends this SQL query out over the network 70 via the designated Java socket 68 to all the servers 66 which are 'listening' in to the designated Java client socket port; cot. 5, line 65 - col. 6, line 16 of Purcell];
> receiving a result offer from each of said plurality of databases having data available that is responsive to said single access operation [cap application 74 puts the requested data/resultant into the object which included the query, and returns the object the cap application 74 (Step 120). The cap application then forwards the object containing the requested data to the client 62; col. 7, lines 35 - 50 of Purcell]; and
> obtaining, by said merging driver automatically without user action, an ordered result in response to said single access operation wherein said obtaining further comprises retrieving results, by said merging driver, corresponding to said result offers from said plurality of databases in an order to obtain said ordered result [client 62 extracts the requested data from the object (Step 124), and manipulates the data as necessary in accordance with the users request or the application's needs. The client 62 then updates the record for the query to indicate that the database 72 which sent the object has responded and that the data was found in that database 72; col. 7, lines 36 -50 of Purcell].

At best, this rejection reduces the express claim limitations to a gist and then rejects the gist. The rejection reduces the merging deriver to "a client." However, Purcell taught "The client 62 will generate standard SQL queries" at Col. 5, line 12. According to Claim 1, the merging driver receives the single access request. Thus, Purcell, taken as a whole, taught that the same entity that issues a query received the data and manipulated that data.

In contrast, Claim 1 recites that the entity that receives the query is the same entity that generated the ordered result. Accordingly, the rejection fails to consider Purcell as a

whole and mischaracterizes both Claim 1 and the teachings of Purcell. Purcell teaches away by having the entity that issued the single query also manipulate the data, which is fundamentally different from the method of Claim 1.

The combination of references fails to render Claim 1 obvious for multiple reasons. Therefore, Claim 1 distinguishes over the combination of references. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 1.

Claims 2, 3 and 5 depend directly or indirectly from Claim 1 and therefore distinguish over the cited art for at least the same reasons as Claim 1. Applicant respectfully requests reconsideration and withdrawal of each of the obviousness rejections of Claims 2, 3 and 5.

Applicant respectfully submits that each of amended Claims 6 and 13 overcome the obviousness rejection. Claims 6 and 13 were rejected for the same reasons as Claim 1. Therefore, as discussed with respect to amended Claim 1 and incorporated herein by reference, the Office Action failed to show how the cited references, alone or in combination, taught or suggested all of the claim limitations of amended Claims 6 and 13. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejections of each of Claims 6 and 13.

Claims 7, 8 and 10 and Claims 14, 15 and 17 depend directly or indirectly from amended Claims 6 and 13, respectively, and therefore distinguish over the cited art for at least the same reasons as amended Claims 6 and 13. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection each of Claims 7, 8 and 10 and each of Claims 14, 15 and 17.

Applicant respectfully traverses the obviousness rejection of Claim 11. As discussed above with respect to amended Claim 1 and incorporated herein by reference, the Office Action failed to show that the cited sections of the references, alone or in combination, taught or suggested all of the claim

limitations of Claim 11, and in particular the merging driver generating an ordered result where the merging driver had the features recited in Claim 11. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 11.

Claim 12 depends from amended Claim 11 and so distinguishes over the prior art references for at least the same reasons as amended Claim 11. Applicant respectfully requests reconsideration and withdrawal of the obviousness rejection of Claim 12.

Claims 1 to 3, 5 to 8, 10 to 15, and 17 remain in the application. Claims 4, 9 and 16 were cancelled previously. For the foregoing reasons, Applicant respectfully requests allowance of all pending claims. If the Examiner has any questions relating to the above, the Examiner is respectfully requested to telephone the undersigned Attorney for Applicant.

CERTIFICATE OF MAILING
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on January 22, 2008.
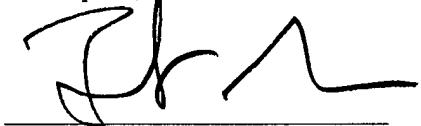
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